



National Mediation Board

Chairman Edward J. Fitzmaurice

Member Francis J. Duggan

Member Harry R. Hoglander

Presentation for

National Association of Railroad Referees

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Recent Projects and Actions of the Board

Statement of Goals:

For the past year the National Mediation Board has undertaken a series of actions designed to improve arbitration of grievances under Section 3 of the Railway Labor Act. These actions have meant that the parties, the arbitrators, and the Board have had to change routines and processes that, in some cases, have been around for well over half a century. We have not undertaken this process lightly: the Board has five ambitious goals for this transformation:

- To ensure that the parties receive timely and outstanding arbitration services from the Board's staff and its contract arbitrators;
- To ensure that the Board uses e-commerce capabilities to the maximum extent possible;
- To ensure that Board procedures are improved through a rulemaking process involving public input;
- To ensure that the arbitrators are given the support they need to schedule, hear, and decide cases in a timely manner;
- To ensure that the NMB's resources are used wisely and in accordance with Federal regulations and sound accounting practices.

Recent Board Initiatives

Much of the Board's activity during the past year has been focused on Section 3 and arbitration, but there are several ongoing projects that are not related to Section 3 or arbitration. However, all of the projects listed below are intended to improve service delivery by the Board, and to move labor relations forward in both industries.

- **TEV** – At the beginning of FY 2003 the Board instituted telephone electronic voting (TEV) as the standard for representation elections. During the past year the TEV system has been used for very small elections (fewer than 20 voters) and for very large elections (more than 14,000 voters) with equal success. As we move forward, the Board will continue to refine and improve the TEV system, and investigate the possibility of adding web-based voting to the system.
- **Online Dispute Resolution** – Working with the W. J. Uesery Center for the Workplace at Georgia State University in Atlanta, and with the Federal Mediation and Conciliation Service (FMCS), the NMB is moving to add computer assisted facilitation to the tools available to NMB mediators.

Initially, the Board has adopted FMCS' TAGS system as a vehicle for introducing computer assistance to the parties. As the project develops, the Board will encourage the development and use of other computer processes targeted directly to the needs of parties in the airlines and railroads.

- **Records/Document Management** – Working with a contractor, Scan Optics, Inc., the Board has developed a unique, precedent setting document and records management program that will address its responsibilities under regulations associated with the national archives, and streamline its in-house document management system. The immediate benefit will be to make the NMB a leader and model in records management for the Federal government. The long term benefit will extend beyond the agency to the parties and the public, making appropriate information more easily accessible through a variety of electronic avenues.
- **Usery Center** – In addition to the work with online dispute resolution, the NMB's association with the Usery Center will result in expanded training opportunities for NMB staff and for the parties, and in the development of research and consulting services for the parties targeted directly to labor management under the Railway Labor Act. Together, the Board and the Center will develop continuing legal education courses, conferences and seminars, and training programs. They will jointly pursue and encourage research on topics relevant to the industries, and they will seek grants and scholarships to defray the cost of training and development for the parties.
- **Forensic Audit** – Beginning in June, 2003, the Board began a full audit of the business systems associated with arbitration under Section 3 of the Railway Labor Act. The auditors will return a report on past activity, but equally important will be their recommendations concerning how to streamline, improve, and strengthen the system.
- **Rule Making** – The Board is involved in the formal rule making process that will result in codified improvements in the business processes associated with grievance mediation and arbitration under Section 3. Recommended rules are currently out for comment.
- **Video Conferencing** – In June, 2003, Ed Fitzmaurice, the current NMB Chairman, participated in a video conference originating in Omaha, Houston, and San Juan. The conference featured an arbitration hearing and was a graphic demonstration of the applicability of video conference technology to the work of arbitrators in the airline and railroad industries. Use of video conference technology can be beneficial to the parties and to the Board in a number of ways. It can save time and costs for the parties, it can allow flexible scheduling opportunities for arbitrators, and it can save travel costs for the Board. The NMB has been working with the sub-committee of the NARR assigned to encourage video conferencing, and the NMB has

established agreements with the Union Pacific Railroad and with the National Labor Relations Board (NLRB) to use existing video conference systems. In the very near future, the Board will post its arbitrator list on the NMB web site, with notations for those arbitrators who have purchased systems that allow them to video conference from their own offices, and arbitrators who are willing to use either the NLRB or UP systems.